IN RE: PETITION FOR ZONING VARIANCE N/S Michaelsford Road, 593' E of Katesford Road (12310 Michaelsford Road)

8th Election District 3rd Councilmanic District

\* OF BALTIMORE COUNTY \* Case No. 89-35-A Marble Hill Partnership Petitioner

\* \* \* \* \* \* \* \* \* \*

\* ZONING COMMISSIONER

## FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance to permit a right (east) side yard setback of 30 feet in lieu of the required 50 feet, and to amend the final development plan for Lot 10, Section 1 of Laurelford, as more particularly described in Petitioner's Exhibits 1 and 2.

The Petitioner, by Mark Dopkin, Esquire, appeared and testified. There were no Protestants.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Zoning Commissioner the relief requested sufficiently complies with the requirements of Soction 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore / day of September, 1988 that the Petition for Zoning

Baltimore County Zoning Commissioner
Office of Planning & Zoning Towson, Maryland 21204 494-3353 J. Robert Haines
Zoning Commissioner

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property and Regulations of Daltimore County will note a public hearing on the propert identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance CASE NUMBER: 89-35-A NS Michaelsford Road, 593° E of Katesford Road (12310 Michaelsford Road) Bth Election District - 3rd Councilmanic Petitioner(s): Marble Hill Partnership HEARING SCHEDULED: THURSDAY, AUGUST 25, 1988 at 9:00 a.m.

Variance to allow a right sideyard setback of 30 feet in lieu of the required 50 feet, and to amend the final development plan.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in period for good cause shown. Such request mast be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES Zoning Commissioner of Baltimore County McKee & Associates, Inc. Mr. Robert Pollock Marble Hill Partnership

Variance to permit a right (east) side yard setback of 30 feet in lieu of the required 50 feet and to amend the final development plan for Lot 10, Section 1 of Laurelford, in accordance with Petitioner's Exhibits 1 and 2, be and is hereby GRANTED, subject, however, to the following restriction:

1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

for Baltimore County

Baltimore County Zoning Commissioner
Office of Planning & Zoning Towson, Maryland 21204 Date: Quoust 9,1988 494-3353 J. Robert Haines
Zoning Commissioner

Mr. Robert Pollock Richard G. Carter Ent. 2015 Knox Avenue Reisterstown, Maryland 21136

Petition for Zoning Variance NS Michaelsford Road, 593' E of Katesford Road (12310 Michaelsford Road) 8th Election District - 3rd Councilmanic Petitioner(s): Marble Hill Partnership HEARING SCHEDULED: THURSDAY, AUGUST 25, 1988 at 9:03 8.m.

Dear Mr. Pollock:

Please be advised that 10.95 is due for advertising and posting of riease be advised that 1.0. As due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time no not remove the sign and post set(s) from the property from the it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST'S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED. Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before your hearing is scheduled to begin.

Please note that should you fail to return the sign and post set(s), there will be an additional \$25.00 added to the above fee for each set not returned.

Very truly yours,

J. Robert Hounes V J. ROBERT HAINES Zoning Commissioner of Baltimore County

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 494-3353

J. Robert Haines

September 1, 1988

Mark D. Dopkin, Esquire Kaplan, Heyman, Greenberg, Engelman & Belgrad Tenth Floor, Sun Life Building 20 S. Charles Street Baltimore, Maryland 21201

RE: PETITION FOR ZONING VARIANCE N/S Michaelsford Road, 593' E of Katesford Road (12310 Michaelsford Road) 8th Election District - 3rd Councilmanic District Marble Hill Partnership - Petitioner Case No. 89-35-A

Dear Mr. Dopkin:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

> J. ROBERT HAINES Zoning Commissioner for Baltimore County

Dennis F. Rasmussen

JRH:bjs

cc: People's Counsel

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTHADRE COUNTY

89-35-A

Date of Posting August 4-88 Petitioner: marble Hill Partnerships Location of property: N 5 of Muhaelsford Road, 593 to Of Katerford Poul Location of Signer On frest of 12310 Muchaelsford Road

Date of return: August 4-88 Number of Signet

CERTIFICATE OF PUBLICATION

TOWSON, MD., -- July 28 ..., 188 THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., once in each of ----- successive weeks, the first publication appear. ing on --- Quly-28-, 1988.

5. Zete. Olm

PETITION FOR ZONING WAR ANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1A04.3B.3 to allow a right sideyard setback of 30 feet in lieu of the required 50 feet, and to amend the final development plan.

#417

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the Zoning following reasons: (indicate hardship or practical difficulty) The existing building envelope is not large enough to accommodate the proposed DATE 19.49 1200 BF.

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BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE REVENUE DIVISION MISCELLANEOUS CASH RECEIPT	DATE 5-17-89 ACCOUNT B 25 CT. AMOUNT \$ 25 CT. THOM: TOWN YOUR STRONG THEM THIS	8 B DSE + A * A & B 25 DU: A 2174F VALIDATION OR SIGNATURE OF CASHIER	bove Varian be bound te Zoning L	rescribed by Zoning Regulation ce advertising, posting, etc., up by the zoning regulations and aw For Baltimore County.  I/We do solemnly de under the penalties of pe are the legal owner(s) which is the subject of th  Legal Owner(s):  Marble Hi/11 Partnership  (Type or Print Name)  Signature  (Type or Print Name)  Signature  Shawan Place - 5 Shawan Address	ns.  pon filing of this is restrictions of clare and affirm, erjury, that 1/we of the property is Petition.	
BA MIX	TAG REP	<b>2</b> 1		Hunt Valley, Maryland	21030	
	Signature			City and State		
Monara	Address			Name, address and phone numbe tract purchaser or representativ	e to be contacted	
	City and State			Name		
	Attorney's Telephone No.:			Shawan Place - 5 Shawan Address  R Nimera County this	Road 252-58 Phone No.	
3 73	ORDERED By The Zoning Commissioner of Baltimore County, this, 19_88, that the subject matter of this petition be advertised					
	of	Law of Balti	more County	In two newspapers of general	ad before the Zonii	
179	Commissioner of Baltim	ore County	in Room 1	of that the public hearing be in 06, County Office Building in	y = Q	

ESTIMATED LENGTH OF HEADING -1/2HR. +1HB

MCKEE & ASSOCIATES, INC. Engineering - Surveying - Real Estate Development

HUNT VALLEY, MARYLAND 21030 SHAWAN PLACE, 5 SHAWAN ROAD Telephone: (301) 252-5820

DESCRIPTION OF 12310 MICHAELSFORD ROAD WINTH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

Beginning at a point on the north side of Michaelsford Road, 593.65 feet east of the east side of Katesford Road. Being Lot 10 of the amended plat of Section One, Laurelford, as recorded among the land records of Baltimore County in Plat Book S. M. 57, folio 106.

May 5, 1988

Mr. Robert Pollock c/o Richard G. Carter Enterprises P. O. Box 4308 Timonium, Maryland 21093

Re: Lot 10, Laurelford Petition for Zoning Variance #89-35-A

Dear Mr. Pollocks

Pursuant to your request, I have reviewed the site plan and petition regarding the above referenced zoning variance and find that should the variance be granted, it is acceptable to Marble Hill Partnership.

I feel that this will allow construction of a more compatible house within the Laurelford Development.

I trust the above satisfies your request.

Very truly yours, MARBLE HILL PARTNERSHIP

James W. McKee, General Partner

FETITION 18'S
EXHIBIT 3

Almust t. 1988

As you are aware, the required side yard serbacks in the Laureltoto suudivision follow these set for ch by the zoning department of Baltimore County; a sinimum of firty feet from guilding to the side yard property line.

The wieth of Lot 10 as designed By Mai Hudrins, the original developer of the Laurelford remord plat allows for a building envelope of only 52 fect.

As the contract purchaser of Not 10. I have peritioned the Coming Commission for a side yard variance, allowing the sidevard requirement for the East Sice to be reduced to 30

This variance if approved would adjust the building envelope to 72 feet allowing the hone to be built to be compatible with the other homes being built in the community. It is important so realize that although the Fest side yard of Lot 10 would be requeed to 30 feet. the minimum distance between homes would still be the required 100 feet because of the 20 foot might of way that exists to serve the storm water management area. This access is only to be used by County personal and will be used infrequently.

I have attached a plat showing what I have tried to explain shove. I f you have no objections to the request of the variance i would appreciate you signing below so that I may submit this letter at the hearing.

If you have any questions, piezee do not hesitate to call or etrand the hearing to be hald on August 25 at 9:00 A.M. Room ill of the County office Building

Sincerely

PETITIONER'S EXHIBIT \_\_\_\_

Robert Pollock President

I have reviewed the above letter and attached plat and am in favor of reducing the side yard setback of lot 10 to 30 test

mlien C Bertoff IL LOT 8

Augúst 1, 1988

As you are aware, the required side yard setbacks in the Laurelford subdivision follow those set forth by the zening department of Baltimore County; a minimum of fifty feat from building to the side yard property line.

The width of Lot 10 as designed By Mal Hudkins, the original developer of the Laurelford record plat allows for a building envelope of only 52 feet.

As the contract purchaser of Lot 10. I have petitioned the Zoning Commission for a side yard variance, allowing the sideyard requirement for the East side to be reduced to 30

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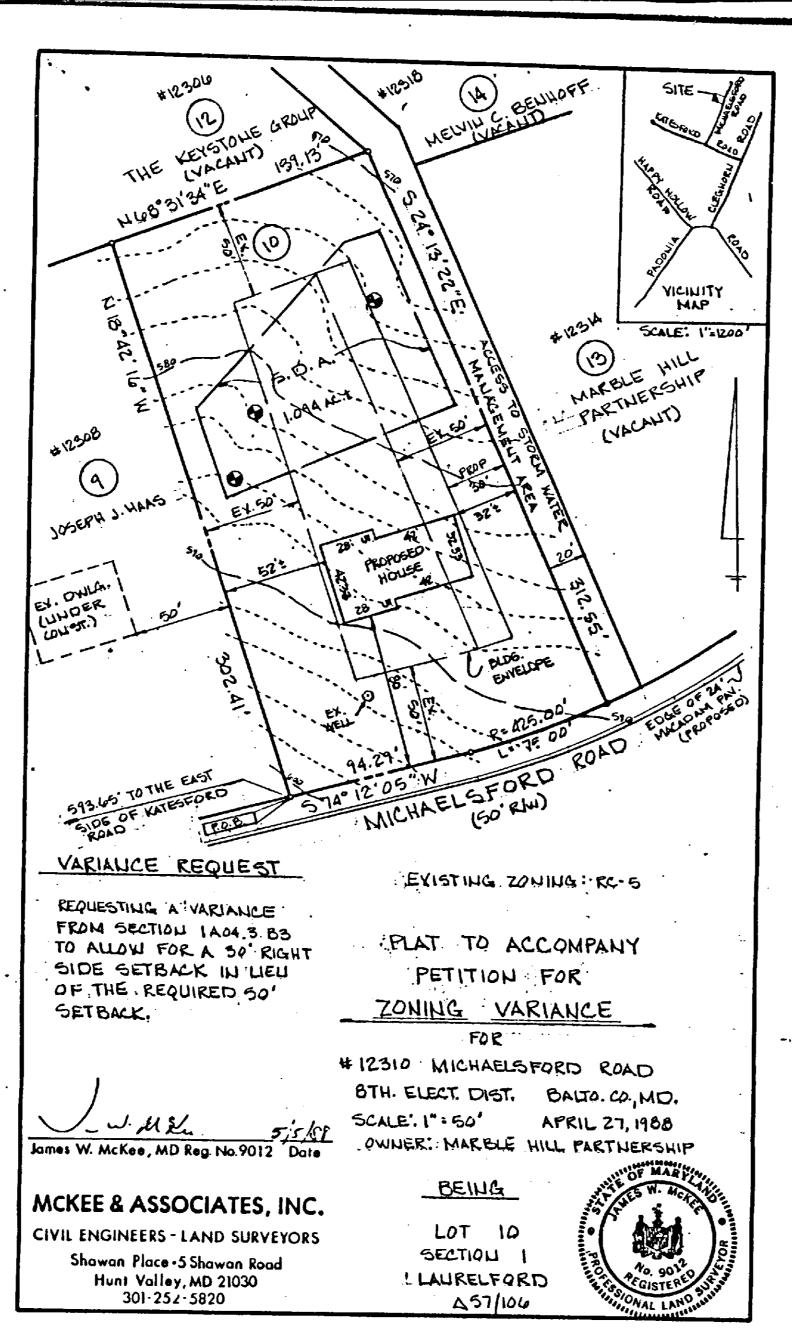
If you have any questions. please do not hesitate to call or attend the hearing to be held on Acquet 25 at 9:00 A.M. Room 111 of the County office Building

Sincerely

Robert Pollock

PETITIONER'S EXHIBIT 4

President I have reviewed the above letter and attached plat and am in favor of Jeducing the side yard setback of lot 10 to 30 feet



VARIANCE REQUEST

REQUESTING A VARIANCE FROM SECTION 1A04.3. B3 TO ALLOW FOR A 50' RIGHT SIDE SETBACK IN LIEU OF THE REQUIRED 50' SETBACK,

301-252-5820

PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE

# 12310 MICHAELSFORD ROAD 8TH. ELECT. DIST. BALTO. CO., MD. SCALE: 1": 50' APRIL 27, 1988 OWNER: MARBLE HILL PARTHERSHIP

James W. McKee, MD Reg. No.9012 Date BEILL

MCKEE & ASSOCIATES, INC. CIVIL ENGINEERS - LAND SURVEYORS Shawan Place • 5 Shawan Road Hunt Valley, MD 21030

SECTION LLAURELFORD A57/106

August 1, 1988

As you are aware, the required side yard setbacks in the Laurelford subdivision follow those set forth by the zoning department of Daltinore County; a minimum of fifty feet from building to the side yard property lime.

The width of Lot 10 as designed By Mal Hudkins, the original developer of the Laurelford record plat allows for a building envelope of only 52 feet.

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I have attached a plat showing what I have tried to explain above. I f you have no objections to the request of the variance I would appreciate you signing below so that I may submit this letter at the hearing.

If you have any questions, please do not hesitate to call or attend the hearing to be held on August 25 at 9:00 A.M. Room 111 of the County office Building

Robert Pollock

PETITIONER'S EXHIBIT 6

I have reviewed the above letter and attached plat and an in fevor of reducing the side yard setback of lot 10 to 30 feet

Volum

August 1. 1938

As you are aware, the required side word appreads in the Laurelford subdivision foll without set forth by the roll of department of Baltimore Consty; a survey of Ciffy fact from building to the side year proporty line.

The width of Lot 10 ap designed By Mal Hedblis (the original) developer of the Laurelford retord place allows for a recisely ervelope of or!v 52 feat.

As the contract purchaser of Lot 10, I have reconciled to Zoning Commission for a side tand tanks and, office to the sideward requirement for the East Size to be med and an burn

This variance if approved would adout the besident or this exto 72 feet alicular the time to be built to be conwith the other homes being putle in the peather?.. It is important to realize that alshowsh the fact according to in would be reduced to 30 feet, tho shorts althied of being homes would still be the recurred 100 form because of one foot right of way that exists to exhibit the same of a storm common manatement eres. This across is the third three of the revadual and will de used infoe: Produ

I have attached a plat chowing what I have a compared as shave. I fivou have no objections to has a washed it the variante I would appropriate you signing celou ou stat i lav schmit this letter at the apering

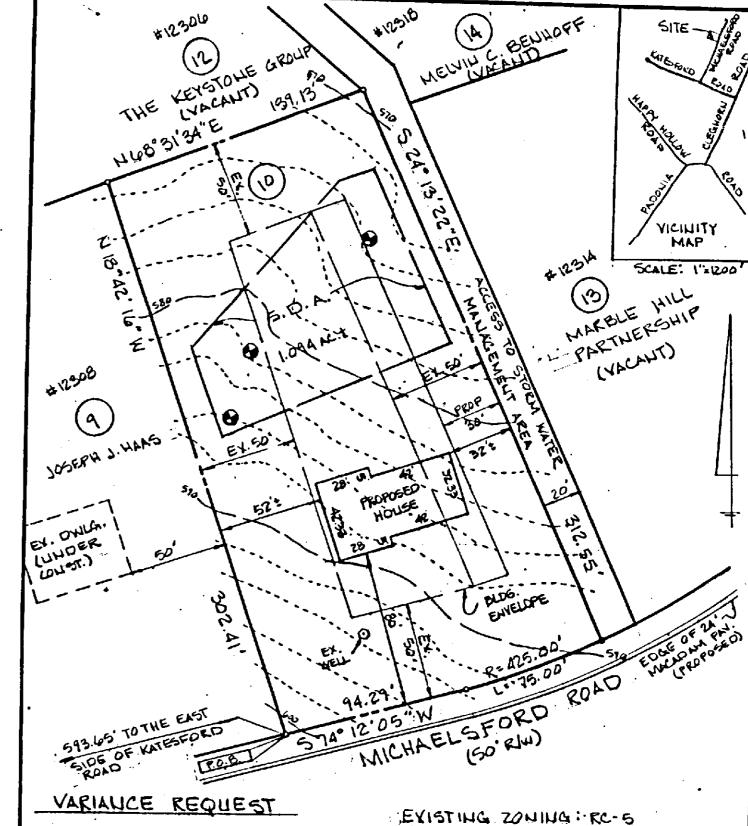
If you neve enviouentions, plante to but horsely be in this or -automod she heartho in be held in August CM of Parallia,  $P_{0}$  (). 11th of the Louisty office Buildings

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Fobert Pollock President

PETITIONER'S EXHIBIT 5

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REQUESTING A VARIANCE FROM SECTION 1A04.3. B3 TO ALLOW FOR A 30' RIGHT SIDE SETBACK IN LIEU OF THE REQUIRED 50' SETBACK.

PLAT TO ACCOMPANY PETITION FOR

ZONING VARIANCE # 12310 MICHAELSFORD ROAD

8TH. ELECT. DIST. BALTO. CO., MD. SCALE: 1": 50' APRIL 27, 1988 OWNER: MARBLE HILL PARTHERSHIP James W. McKee, MD Reg. No.9012 Date

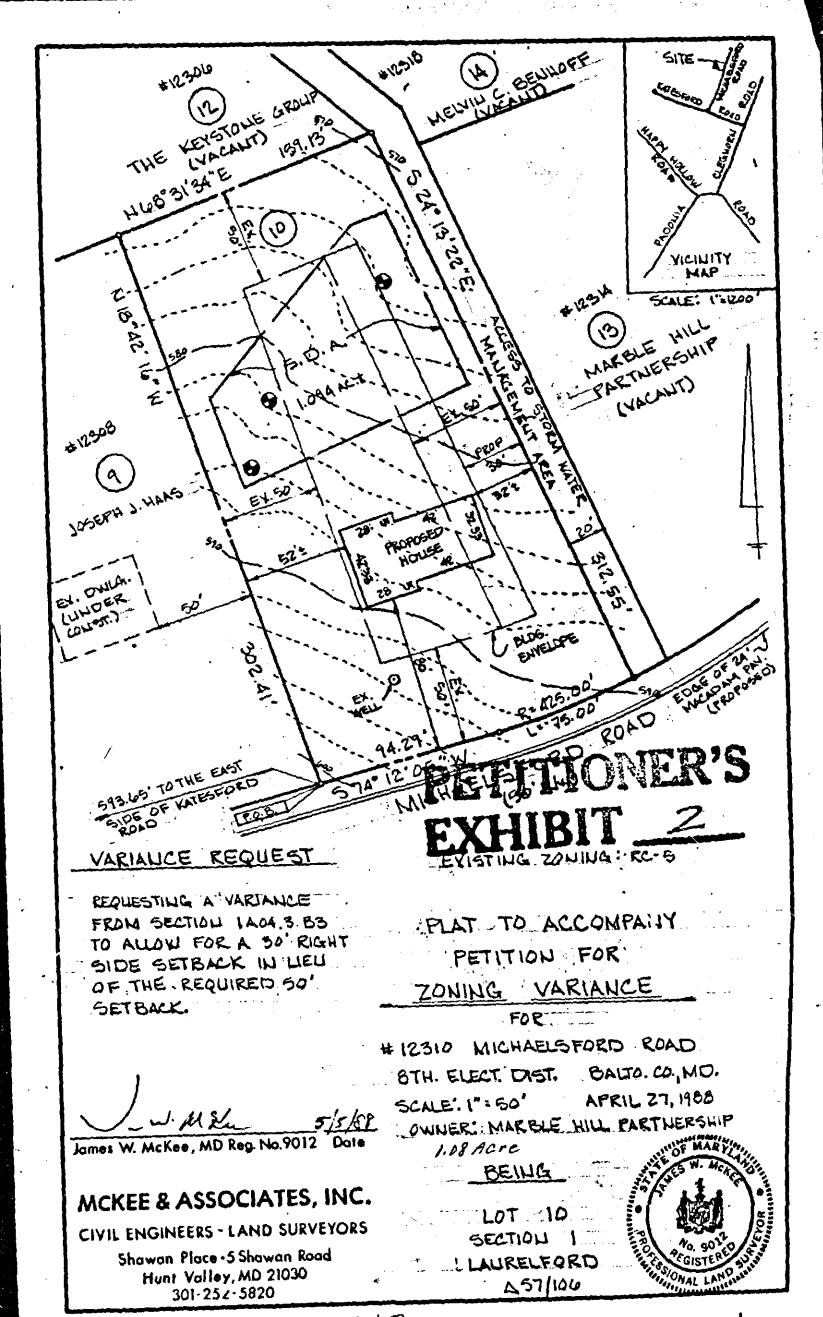
MCKEE & ASSOCIATES, INC. CIVIL ENGINEERS - LAND SURVEYORS Shawan Place • 5 Shawan Road

Hunt Valley, MD 21030 301-252-5820

LOT 10

SECTION ! LAURELFORD A57/106

88/54



## MOIMORE COUNTY, MASSAND

## INTER-OFFICE CORRESPONDENCE

TO J. Robert Haines Date July 11, 1988
Zoning Commissioner

FROM P. David Fields, Director
Office of Planning and Zoning

SUBJECT.\_\_Zoning Petitions (#89-35-A) 89-37-A, 89-38-A, 89-39-A, 89-40-A, 89-42-A, 89-43-A, 89-44-A, 89-47-A, 89-48 A, 89-49-A, 89-50-A, 89-54-A

There are no comprehensive planning factors requiring comment of the subject petitions.

P. David Fields per Afficured P. David Fields, Director Office of Planning and Zoning

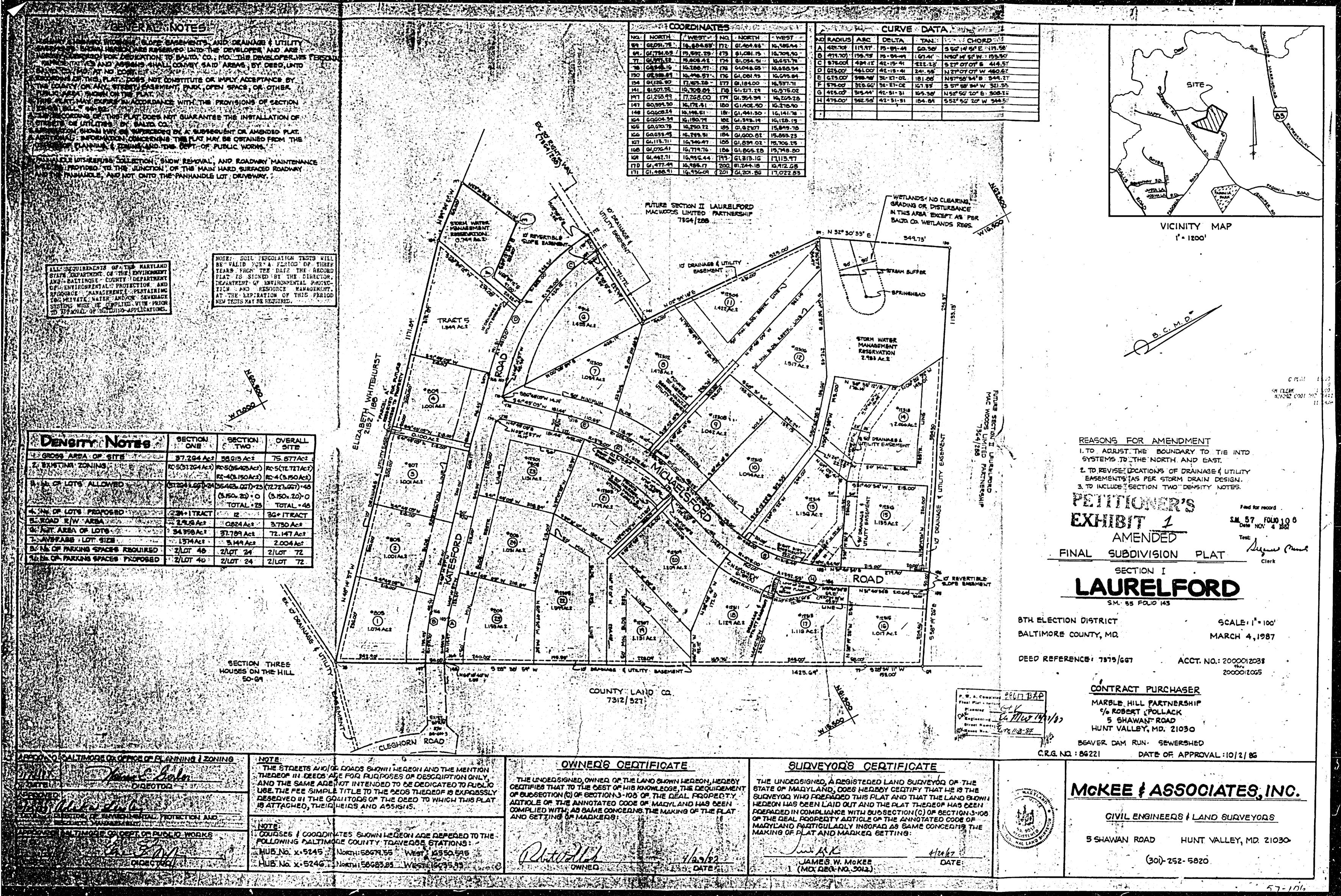
PDF/jat cc: Shirley Hess, People's Counsel J. G. Hoswell Zoning File

DECENTATION JUL 12 1988

20: Makee & Associates, Inc. 7-12-88

ZONING OFFICE

CPS-008



## BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

August 17, 1988

COUNTY OFFICE BLDG. 111 W. Chesapeake Ave.

Bureau of Engineering

Department of Traffic Engineering

State Roads Commission Bureau of

Fire Prevention Health Department

Project Planning Building Department Board of Education

Zoning Administration Industrial

Development

Robert Pollock -Richard G. Carter Enterprises 2015 Knox Avenue Reisterstown, Maryland 21136

> RE: Item No. 417 - Case No. 89-35-A Petitioner: Robert Pollock - Richard G. Carter Enterprises / Contract Purchaser Marble Hill Partnership / Legal Owner

Petition for Zoning Variance

Dear Mr. Pollock and Mr. Carter:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

Games 4. Dyerlde JAMES E. DYER Zoning Plans Advisory Committee

JED:dt

cc: McKee & Associates, Inc. Shawan Place 5 Shawan Road Hunt Valley, Maryland 21030

Baltimore County Department of Public Works Bureau of Traffic Engineering Courts Building, Suite 405 Towson, Maryland 21204 491-3554

June 23, 1988



Mr. J. Robert Haines Zoning Commissioner County Office Building Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 408, 409, 410, 411, 412, 414, 415, 416 and 417

Stephen E. Weber, P.E. Assistant Traffic Engineer

SEW/RF/pm1-b

Baltimore County Office Building Re: Property Owner: Marble Hill Partnership/Contract Purchaser: Robert Pollack - Richard G. Carter Ent.

Dennis F. Rasmussen

Location: N/S Michaelsford Road, 593' E. Katesford Road

Item No.: 417

Office of Planning and Zoning

Zoning Agenda: Meeting of 5/24/88

Gentlemen:

Baltimore County

Fire Department

Paul H. Reincke

J. Robert Haines

Towson, MD 21204

Zoning Commissioner

Towson, Maryland 21204-2586

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- ( ) 1. Fire hydrants for the referenced property are required and shall be located at intervals or \_\_\_\_ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- ( ) 2. A second means of vehicle access is required for the site.
- ( ) 3. The vehicle dead end condition shown at

EXCEEDS the maximum allowed by the Fire Department.

- ( ) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- ( x ) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.
- ( ) 6. Site plans are approved, as drawn.
- ( ) 7. The Fire Prevention Bureau has no comments at this time.

89-35-1

Petitioner's

Attornev

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204

Your petition has been received and accepted for filing this 24th day of May , 1988.

	Marble Hill F	 ZONING	COMMI
Petitioner	Tone 1 Owner	Receive	ed by:

James E. Dver Received by:

Chairman, Zoning Plans

Advisory Committee